

IFW



Practitioner's Docket No. HES 2003-IP-011430U1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

**OR**

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In re application of: Craig W. Roddy et al.

Application No.: 0 10 /769,490

Group Art Unit: 3672

Filed: January 30, 2004

Examiner: unknown

For: Methods of Cementing In Subterranean Formations Using Crack Resistant ...

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***  
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☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Sheila Gibbs  
Signature

Date: 10-18-04

Sheila Gibbs  
(type or print name of person certifying)

\* Only the date of filing (§ 1.4) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(c)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]-page 1 of 3)

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**NOTE:** 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 38). See also § 608, M.P.E.P., 8th Edition.

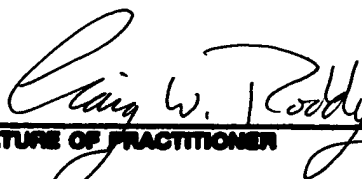
**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

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**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(c)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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SIGNATURE OF PRACTITIONER

Craig W. Roddy

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 3 of 3)



PATENT  
HES 2003-IP-011430U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Craig W. Roddy and Bradley L. Todd	)	
		)	Art Unit: 3672
		)	
Serial No.:	10/769,490	)	
		)	
Filed:	January 30, 2004	)	Examiner: Unknown
		)	
For:	METHODS OF CEMENTING IN	)	
	SUBTERRANEAN FORMATIONS	)	
	USING CRACK RESISTANT	)	
	CEMENT COMPOSITIONS	)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

SIR:

The following document is known to Applicants or Applicants' attorneys and is submitted  
for the Examiner to consider in the above-captioned application.

**UNITED STATES PATENT APPLICATION PUBLICATION**

U.S. Patent Application Publication Number US 2004/0138068 A1 published July 15,  
2004 to Brett Rimmer et al.

Form PTO-1449 is submitted herewith.

Respectfully submitted,

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580-251-3012

Sheet 1 of 1

<b>FORM PTO-1449</b> (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)	ATTY. DOCKET NO. 2003-IP-011430U1	SERIAL NO. 10/769,490
	APPLICANT Craig W. Roddy et al.	
	FILING DATE January 30, 2004	GROUP 3672

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	US 2004/0138068	07/15/04	Rimmer et al.	507	100	
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR							
	AS							
	AT							

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.